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Office of Laboratory Counsel/Patent Group

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DATE: April 6, 2005

FROM: Teresa Walls

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TO: Richard Bueker

FAX: (571)273-1431

REGARDING: SN 09/636,134 IL-9940B
"Apparatus for Depositing a Low Work Function Material"

NUMBER OF PAGES TO FOLLOW: 12

Richard,

Please let me know if I need to do anything else.

Thank you,

Alan H. Thompson
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Paper Number: 14

 In re application of
 Mehdi Balooch et al
 Serial No. 09/636,134
 Filed: August 10, 2000

IL-9940B

 DECISION ON
 PETITION

For: APPARATUS FOR DEPOSITING A LOW WORK FUNCTION MATERIAL :

This is a response to the PETITION TO WITHDRAW ABANDONMENT, filed Jan. 9, 2003. The petition requests that the abandonment, as set forth in the Notice of Abandonment of Jan. 2, 2003, for failure to timely pay the issue fee as indicated in Notice of Allowability and Notice of Allowance and Issue Fee Due mailed August 21, 2002 be withdrawn. The petitioner asserts that the Notice of Allowability and Notice Of Allowance and Issue Fee Due were not received by the applicants.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action. See MPEP 711.03(c)(II).

A review of the petitioner's evidence indicates that the request cannot be granted. As set forth in MPEP 711.03(c) II- PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION :

"The showing required to establish the nonreceipt of an Office communication must include a statement from the practitioner stating that Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in the practitioner's statement." (emphasis added)

The evidence presented is insufficient to establish that the above noted Notice of Allowability and Notice of Allowance and Issue Fee Due were not received by the petitioner. The evidence provided includes a statement by the petitioner that no Notice

09/636,134

Page: 2

of Allowance has been received, and Applicants' file shows that the last communication received from the PTO was an Office action mailed May 22, 2002. However, the instant petition does not contain a statement attesting that a search of the file jacket and docket records was made, and the result of such search revealed that the Notice of Allowability and Notice of Allowance and Issue Fee Due were not received and it fails to submit a copy of the docket record where the nonreceived Notice of Allowability and Notice of Allowance and Issue Fee Due would have been entered had it been received.

Accordingly, this application stands abandoned.

The Petition is DENIED.



Jacqueline Stone, Director
Technology Center 1700
Chemical and Materials Engineering

LE CARNAHAN
AGENT
P O BOX 808 L 703
LIVERMORE, CA 94551

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mehdi Balooch et al

Attorney
Docket No.: IL-9940B

Serial No.: 09/636,134

Group Art Unit:

Filed: August 10, 2000

Examiner:

For: Apparatus For Depositing A Low Work Function Material

REC'D JUL 24 2003

RECEIPT IS HEREBY ACKNOWLEDGED OF THE FOLLOWING:

1. Petition to Withdraw Abandonment Under 37 C.F.R. 1.181 (2 pages)
2. Copy of File jacket (1 page)
3. Screen shot of the docketing Database on IL-9940B (1 page)
4. Certificate of Mailing
5. Return Postcard

Express Mail No.: EV268203832US

Attorney: JST/tw

Date Mailed: 7/18/2003

front



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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Mehdi Balooch et al

Docket No.: IL-9940B

Serial No. : 09/636,134

Art Unit: 1700

Filed : 8/10/2000

Examiner: J. Stone

For : Apparatus for Depositing a Low Work Function Material

Commissioner for Patents
Alexandria, VA 22313-1450CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)I hereby certify that the *attached* correspondence comprising:

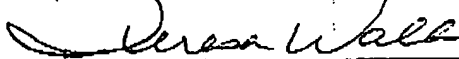
1. Petition to Withdraw Abandonment under 37 CFR 1.181 (2 pages)
2. Copy of File Jacket (1 page)
3. Screen shot of the docketing Database on IL-9940B (1 page)
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7/18/2003Teresa Walls

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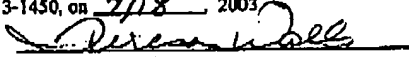


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PATENT
Docket No. IL-9940B

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Teresa Wallis

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants :	Mehdi Balooch et al	Docket No. :	IL-9940B
Serial No. :	09/636,134	Art Unit :	1763
Filed :	August 10, 2000	Examiner :	R. Bueker
For :	Apparatus for Depositing a Low Work Function Material		

PETITION TO WITHDRAW ABANDONMENT UNDER 37 C.F.R. 1.181

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Abandonment mailed January 2, 2003, and in view of the Decision on Petition mailed July 7, 2003, kindly consider the following.

REMARKS

1. A Notice of Abandonment was mailed January 2, 2003.
2. The reason for abandonment was "Applicants' failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowability."
3. The Notice of Allowability and Notice of Allowance and Issued Fee Due were not received by the Applicants, and thus the Applicants were not aware of an issue fee being due.
4. Applicants' file shows that, prior to receiving the Notice of Abandonment, the last communication received from the PTO was an Office Action mailed May 22, 2002, and an Amendment in response thereto was filed July 31, 2002.
5. Applicants hereby attest to the fact that a search of the file jacket and docket records indicates that the Notice of Allowability and Notice of Allowance and Issue Fee Due were not received.
6. Please find enclosed (1) a copy of the file jacket, and (2) a screen shot of the docketing database where the nonreceived Notice of Allowability and Notice of Allowance and Issue Fee Due would have been entered had those Office communications been received and docketed.
7. It is therefore respectfully requested that the Notice of Abandonment be withdrawn, and that the Notice of Allowability and Notice of Allowance and Issue Fee Due be issued in this application.

Respectfully submitted,

Dated: 7-17-03

By: 

James S. Tak
Attorney for Applicant
Registration No. 46,367

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7000 East Avenue, L-703
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FAX: (925) 423-2231

1L-99408

EV108175796US EL534391131US
 EV108176584US EL373781014US
 EV108175062US

RL- _____ S. 95,362 OTHER _____

APPLICANTS: Mehdi Balooch, Long N. Dinh, Wigbert J. Siekhaus

TITLE: Apparatus For Depositing A Low Work Function Material

SER. NO.: 09/636134 FILED: 8/10/00 PAT. NO.: _____ ISSUED: _____

☐ CONTINUATION ☒ DIVISION ☐ C-I-P

S.N.: 09/080,109 FILED: 5/18/98

OTHER RELATED CASES: _____

WAIVER PETITIONS: _____ REQUESTED BY: _____ GRANTED: _____

FOREIGN FILINGS: _____

INTL. APP. NO.: _____ FILING DATE: _____

COUNTRIES: _____

PROSECUTION:	PREPARED BY	RESPONSE DUE	DATE SUBMITTED
First Office Action	4/26/01	1/18/01	6/26/01
Second Office Action	7/24/01	12/24/01	1/13/01
Third Office Action	2/25/02	5/25/02	4/3/02
Advisory Action (RCE)	4/14/02	5/25/02	5/1/02
First RCE Office Action	5/22/02	8/22/02	7/31/02
Petition to Withdraw Abandonment			1/9/03
Petition Denied	7/14/03		

COMMENTS: Resp to denial

7/18/03

Old Database **LLN Patent Group - Patent Tracking**

IL- 9940	B	IL Type <input type="checkbox"/>	Non-Lab Employee <input type="checkbox"/>	Cont. App. DIV	Assignee UC/IP&C
AIPA Applies <input type="checkbox"/>	RL- <input type="checkbox"/>	S- 95,362	UC- <input type="checkbox"/>		
Attorney Carnahan/Tak		Date Attorney Assigned 2/19/2003			
ROI Title Low Work function Surface Layers by Laser Ablation Using Short-Wavelength Photons					
Inventors Mehdi Balooch, Long N. Dinh, Wigbert J. Siekhaus			Non-LLNL Inventors <input type="checkbox"/>		
Patent Status Petition to Withdraw denied(tw). Notice of Abandonment received 1/2/2003--In response to Notice of Abandonment, Petition to Withdraw Abandonment sent 1/9/2003. First RCE Office Action--resp. due 8/22/2002 (am)--response sent 7/31/2002. Advisory Action--resp due 5/25/2002 (ns)--resp. sent (RCE) 5/1/2002. Final Office Action--resp due 5/25/2002 (ns)--Resp. sent 4/3/2002. Second Office Action--resp. due 12/24/2001. Resp. sent 11/13/2001. First Office Action--resp. due 7/3/01. Resp. sent 6/26/2001. Divisional application express mailed 8/10/2000.					
Patent App. Title Apparatus For Depositing A Low Work Function Material					
Case Combined With <input type="checkbox"/>					
Related Cases This is a divisional of IL-9940A.					
Attorney Comments <input type="checkbox"/>					IL Numl 9940
Miscellaneous Information <input type="checkbox"/>					
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No Interest by IPAC <input type="checkbox"/>		Inactivated by IPAC <input type="checkbox"/>		Inactivated by DOE <input type="checkbox"/>	
Abandoned by <input type="checkbox"/>		Date Abandoned <input type="checkbox"/>		Application Requester <input type="checkbox"/>	
Disclosure Submitted <input type="checkbox"/>		Application Authorized <input type="checkbox"/>		Rights Granted 11/26/1996	
Rights Requested 10/2/1996		Type Class Waiver		Application Mailed 8/10/2000	
Confirmatory License 10/26/2000		Requested Directorate <input type="checkbox"/>		Priority <input type="checkbox"/>	
Provisional Serial No. <input type="checkbox"/>		Provisional Filing Date <input type="checkbox"/>		Export Control <input type="checkbox"/>	
Additional Provisional Serial No./Filing Date <input type="checkbox"/>		check priority date		Bar Date 1 <input type="checkbox"/>	
Serial No. 09/636134		Filing Date 8/10/2000		Bar Date 2 <input type="checkbox"/>	
Patent No. <input type="checkbox"/>		Issue Date <input type="checkbox"/>		Bar Date 3 <input type="checkbox"/>	
Publication Cite <input type="checkbox"/>		Publication Date <input type="checkbox"/>		EUVL <input type="checkbox"/>	
Portfolio <input type="checkbox"/>		EUVL Assignee <input type="checkbox"/>			

DUE DATES**IL Number**

LLNI Patent Group - Patent Tracking

Restriction Req.
First Office Action
Second Office Action
Third Office Action
Fourth Office Action
Final Office Action
Notice of Appeal Due
Appeal Brief Due

Restriction Req. Sent
First OA Sent
Second OA Sent
Third OA Sent
Fourth OA Sent
Final OA Sent
Notice of Appeal Sent
(Check Response Due)
Appeal Brief Sent

CPA Filed RCE filed
1st CPA OA 1st CPA OA Sent 1st RCE OA 1st RCE OA Sent
2nd CPA OA 2nd CPA OA Sent 2nd RCE OA 2nd RCE OA Sent
Final CPA OA Final CPA OA Sent Final RCE OA Final RCE OA Sent
Notice of Allowance Notice of Allowance Sent
Notice of Allowability Notice of Allowability Sent
Multiple Due Dates ☐ FOA NOA
Response Due

MAINTENANCE FEESIL Number **9940** **B**

Three Yr Fee Due
Seven Yr Fee Due
Eleven Yr Fee Due
Small Entity ☐ Yes ☐ No

Three Yr Fee Paid
Seven Yr Fee Paid
Eleven Yr Fee Paid

Three Year Amount
Seven Year Amount
Eleven Year Amount

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Search Requested Search Completed Search Sent To
Last Modified Date Last Modified By: Last Modified Time
Abstract
7/10/2000

Patent Application U.S. Patent

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Patent/Event - 13 of 14 [113512] "Patent Status Description"

General

Event

Title: Patent Status Description

Type: LEGAL - Miscellaneous

Category: Chronological

Status: Status

Priority: Priority

Event Date: 10/25/2004

Related Record: Docket No. 09940US-8/Patent

Private

Due Date: 00/00/00

Completed

Description:

Patent to Withdraw deferred. Resp. to Petition to withdraw sent 7/18/2003 (w/). Notice of Abandonment received 1/2/2003. In response to Notice of Abandonment, Petition to Withdraw Abandonment sent 1/9/2003. First Office Action-resp. due 8/22/2002 (int)-response sent 7/31/2002. Advisory Action-resp due 5/25/2002 (int)-resp. sent (RDE) 5/1/2002. Final Office Action-resp due 5/25/2002 (int)-Resp. sent 4/3/2002. Second Office Action-resp. due 12/24/2001. Resp. sent 11/13/2001. First Office Action-resp. due 7/3/01. Resp. sent 6/26/2001. Divisional application express mailed 8/10/2001.

Assignments

Name	Due Date	Completed Date	Description

Event Assignments records: 0

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Technology Manager

Agreement Technologies

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Ownership

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